

1 of property.” 31 U.S.C. § 1342. The instant lawsuit does not appear to meet such criteria
2 because it is a civil case for alleged past employment discrimination and retaliation. The
3 lapse in appropriations also prevents the United States Attorney’s Office from paying for
4 costs that would otherwise be routine such as deposition transcripts and work-related
5 travel.

6 3. Defendant therefore requests a stay of proceedings until Congress has
7 restored appropriations to the Department. Defendant also requests an extension of
8 deadlines commensurate with the duration of the lapse in appropriations.

9 4. In light of the foregoing, Plaintiff’s counsel has agreed to vacate without
10 prejudice the scheduled January 15, 2019 deposition of Eugene Cornelius in Washington,
11 D.C., and counsel has further advised that he will not oppose this motion.

12 5. Defendant will notify Plaintiff and the Court as soon as Congress has
13 appropriated funds for the Department or enacted another continuing resolution and
14 undersigned counsel can resume usual civil litigation duties.

15 Therefore, although we greatly regret any disruption caused to the Court and the
16 other litigants, Defendant hereby moves for a stay in this case until Department of Justice
17 attorneys are permitted to resume their usual civil litigation functions.

18 Respectfully submitted this 4th day of January 2019.

19 DAYLE ELIESON
20 United States Attorney

21 /s/ Troy K. Flake
22 TROY K. FLAKE
23 PATRICK A. ROSE
24 Assistant United States Attorney

25 IT IS SO ORDERED:

26 UNITED STATES MAGISTRATE JUDGE

27 DATED: January 4, 2019
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